

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

United States of America,)	
	Plaintiff,)
vs.)	Case No. 04-3165-01-CR-S-FJG
Elgin Humphrey,)	
	Defendant.)

ORDER

Pending before the Court is defendant's motion to quash the indictment (Doc. #17), filed July 22, 2005, and the government's response thereto (Doc. #20), filed August 5, 2005.

On August 18, 2005, United States Magistrate Judge James C. England entered a report and recommendation (Doc. #21) which recommended denying the above-mentioned motion. Exceptions to Magistrate England's report and recommendation were filed on September 1, 2005 (Doc. #22).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's discussion and conclusions. Therefore, the Court finds that defendant's motion to quash the indictment (Doc. #17), filed July 22, 2005, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to quash indictment (Doc. #17), filed July 22, 2005, is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 14, 2005
Kansas City, Missouri